

United States District Court

EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

NIKKI AUSTIN-SHIPP, §
§
Plaintiff, § CIVIL ACTION NO. 4:16-CV-939
§ JUDGE MAZZANT/JUDGE JOHNSON
v. §
§
TACO BELL OF AMERICA, §
§
Defendant. §
§

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE

Came on for consideration the Report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the Magistrate Judge pursuant to 28 U.S.C. § 636. On March 21, 2017, the Report of the Magistrate Judge (Dkt. #22) was entered containing proposed findings of fact and recommendations that Defendant Taco Bell of America, LLC's Motion to Dismiss Plaintiff's Second Amended Complaint for Failure to State a Claim (Dkt. #16) be denied.

Having received the Report of the United States Magistrate Judge, and no objections thereto having been timely filed, this Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's Report as the findings and conclusions of the Court.

It is, therefore, **ORDERED** that Defendant Taco Bell of America, LLC's Motion to Dismiss Plaintiff's Second Amended Complaint for Failure to State a Claim (Dkt. #16) is **DENIED**.

IT IS SO ORDERED.

SIGNED this 20th day of April, 2017.



AMOS L. MAZZANT
UNITED STATES DISTRICT JUDGE